

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Kimmo K. Ikonen et al.

Serial No.: 10/532,764

Filed: October 31, 2003

For: IMPLEMENTING A SERVICE,
PARTICULARLY FINANCIAL
SERVICE, IN A NETWORK
INVOLVING MOBILE TERMINALS

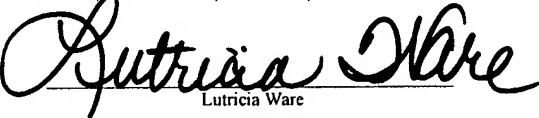
Attorney Docket: 7673-101/10504417

Group Art Unit: Not yet Assigned

Examiner: Not Yet Assigned

Confirmation No. 4910

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being deposited on this 30th day of May, 2006, with the United States Postal Service as Express mail in an envelope addressed to the Office of Petitions, Comm. for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Lutricia Ware

Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. 1.47 TO ACCEPT A NATIONAL APPLICATION
WITHOUT THE PARTICIPATION OF ONE OF THE INVENTORS

Applicants respectfully petition the Commissioner under 37 C.F.R. § 1.47 to accept the present patent application for examination without the participation of Sirpa M. Liukkonen, one of the inventors. A Declaration signed by four of the five inventors has been submitted. However, Ms. Liukkonen has refused to sign the declaration despite repeated requests to do so. This Petition is deemed necessary to prevent the application from becoming abandoned. An explanation of the events surrounding the requests made to Ms. Liukkonen, a statement of the facts as provided by Kelly Luostarinen, and documentary evidence supporting the facts are provided herewith.

Relevant Background

The present U.S. application is based on PCT application PCT/FI03/000807, having a filing date of October 31, 2003. The U.S. application was submitted as a national phase application under 35 U.S.C. § 371 on April 26, 2005. A Notification of Missing Requirements under 35 U.S.C. § 371 was issued by the USPTO on December 1, 2005. In reply to the Notification, Applicants submitted a Declaration on January 9, 2006 signed by inventors Kimmo K. Ikonen, Pekka T. Lehti, Ulla-Maija Uusitalo, and Pekka O. Jarvinen but without the signature of Ms. Liukkonen (a copy of the Declaration is attached hereto). Please note that the Declaration was signed on behalf of Ms. Liukkonen by Jukka Riivari, the CEO of Meridea Financial Software OY. A Notification of Defective Response was issued on March 7, 2006, identifying the Declaration as non-compliant because it was not executed by Ms. Liukkonen.

Meridea Financial Software OY (“Meridea”) is the assignee of the PCT application.

Meridea has made repeated attempts in 2005 through April, 2006, to obtain Ms. Liukkonen’s signature on the declaration, to no avail. As part of those efforts, Kelly Luostarinen, a Meridea employee who was responsible for managing the present U.S. application, has tried multiple times to contact Ms. Liukkonen since at least August, 2005, by phone, mail, email and through co-worker contacts, requesting that Ms. Liukkonen sign the declaration for the present U.S. application. Ms. Liukkonen has not responded to any of those requests. In addition, prior to August, 2005, Tiuja Saarimaa of Meridea also asked Ms. Liukkonen for her signature, again without any response.

Attached hereto is an April 21, 2006 document labeled “Proof of Unavailability of Inventor” which provides a statement of the facts by Kelly Luostarinen. The statement describes the diligent effort made by Kelly Luostarinen and Meridea to reach Ms. Liukkonen and obtain her signature on the declaration for the present U.S. application.

Also attached as one example of the many attempts to reach Ms. Liukkonen is a September 22, 2005 letter from Kelly Luostarinen to Ms. Liukkonen, enclosing the US patent application and requesting her signature. Other examples of attempts to reach Ms. Liukkonen are attached and include an October (“lokakuu”) 27, 2005 email and an April (“huhtikuu”) 18,

2006 email from Kelly Luostarinen to Ms. Liukkonen, referring to the patent application previously enclosed and again requesting her signature. These communications provide documentary evidence of Meridea's diligent attempts to obtain Ms. Liukkonen's signature on the declaration for the present U.S. application.

Despite diligent effort and repeated requests, Meridea has been unable to obtain Ms Liukkonen's signature on the declaration. It is evident that in failing to respond to Meridea's requests, Ms Liukkonen is refusing to sign the declaration. Ms Liukkonen's refusal to join the present U.S. application has left it upon the other inventors to apply for the U.S. application on Ms. Liukkonen's behalf.

Relief Requested

To avoid abandonment and to satisfy the application filing requirements under 35 U.S.C. § 371, Applicants petition and request that the Declaration submitted January 9, 2006 without the signature of Ms. Liukkonen be accepted as fulfilling the requirements under 35 U.S.C. § 371, and that the current application be made by inventors Kimmo K. Ikonen, Pekka T. Lehti, Ulla-Maija Uusitalo, and Pekka O. Jarvinen on behalf of themselves and Ms. Liukkonen, the non-signing inventor.

The last known address of Sirpa Liukkonen is:

Vähäniityntie 12 C, 00570 Helsinki, Finland

Please charge \$ 200.00 to Deposit Account No. 50-0337 for the filing of this Petition. No other fee is believed due. However, the Commissioner is hereby authorized to charge any fees that may be required or to credit any overpayment of fees to Deposit Account No. 50-0337.

06/05/2006 ATRAN1 00000134 500337 10532764
02 FC:1463 200.00 DA

Favorable consideration of this Petition is respectfully requested.

Dated: May 30, 2006

Respectfully submitted,



Miles Yamanaka
Reg. No. 45,665

FULBRIGHT & JAWORSKI L.L.P
555 South Flower Street , 41st Floor
Los Angeles, CA 90071
(213) 892-9200 – Telephone
(213) 892-9494 – Facsimile

Attachments:

Copy of Declaration
Copy of Document labeled "Proof of Unavailability of Inventor"
Copy of September 22, 2005 letter
Copy of October 27, 2005 email
Copy of April 18, 2006 email

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

IMPLEMENTING A SERVICE, PARTICULARLY A FINANCIAL SERVICE, IN A NETWORK INVOLVING MOBILE TERMINALS

the specification of which was filed on November 1, 2002 as Application No. 10/532764.

In the event that the filing date and/or Application No. are not entered above at the time I execute this document, and if such information is deemed necessary, I hereby authorize and request my attorneys/agent(s) at Fulbright & Jaworski L.L.P., 555 South Flower Street, Forty-First Floor, Los Angeles, California 90071, to insert above the filing date and/or Application No. of said application.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, § 1.56.

FOREIGN PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

☐ no such foreign applications have been filed

☒ such foreign application have been filed as follows:

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Application Number	Country	Date of Filing	Priority Claimed Under 35 USC 119
20021951	FI	November 1, 2002	<u> X </u> Yes No <u> </u>
			<u> </u> Yes No <u> </u>
			<u> </u> Yes No <u> </u>

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Application Number	Country	Date of Filing

CLAIM FOR BENEFIT OF EARLIER U.S. PROVISIONAL APPLICATIONS

I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

☒ no such U.S. provisional applications have been filed.

☐ such U.S. provisional application have been filed as follows:

Application Number	Date of Filing	Priority Claimed Under 35 USC 119
		<u> </u> Yes No <u> </u>
		<u> </u> Yes No <u> </u>
		<u> </u> Yes No <u> </u>

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of the United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56 which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

☐ no such U.S./PCT applications have been filed.

☒ such U.S./PCT application have been filed as follows:

Application Number	Relationship	Parent Application	Date of Filing
PCT/FI2003/000807			31 October 2003

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint:

All practitioners at Customer Number 000167

all of **Fulbright & Jaworski L.L.P.**, 555 South Flower Street, Forty-First Floor, Los Angeles, California 90071, jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the U. S. Patent and Trademark Office connected therewith.

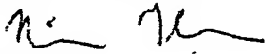
The undersigned hereby authorizes the U.S. attorney or agent named herein to accept and follow instructions from as to any action to be taken in the United States Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorney or agent named herein will be so notified by the undersigned.

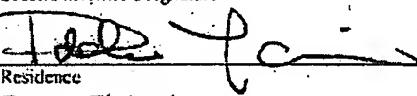
Please mail all correspondence to M. John Carson, whose address is:

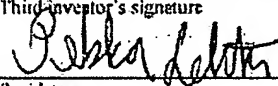
Fulbright & Jaworski L.L.P.
555 S. Flower Street
41st Floor
Los Angeles, California 90071

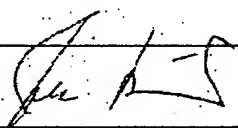
Please direct telephone calls to: M. John Carson at (213) 892-9225.

Please direct facsimiles to: (213) 892-9494

Full name of sole or first inventor Kimmo K. Ikonen	
Sole or first inventor's signature 	Date 26.8.2005
Residence	
Citizenship Finland	
Mailing Address Mantytie 9 A 5 FI-00270 Helsinki FINLAND	

Full name of second inventor, if any Pekka O. Jarvinen	
Second inventor's signature 	Date 1.9.2005
Residence Espoo, Finland	
Citizenship Finland	
Mailing Address Kyyhkysmäki 22 A9 FI-02600 Espoo FINLAND	

Full name of third inventor, if any Pekka T. Lehti	
Third inventor's signature 	Date 29.8.2005
Residence	
Citizenship Finland	
Mailing Address Pakkamästarinkatu 1 B 35 FI-00520 Helsinki FINLAND	

Full name of fourth inventor, if any Sirpa M. Liukkonen	
Fourth inventor's signature ON BEHALF 	Date
Residence Jukka Rihvari CEO, MERIDEA FINANCIAL SOFTWARE CY	
Citizenship Finland	
Mailing Address	

Full name of fifth inventor, if any Ulla-Maija Uusitalo	
Fifth inventor's signature <i>Ulla-Maija Uusitalo</i>	Date 19.9.2005
Residence	
Citizenship Finland	
Mailing Address Ruusulankatu 19 A 14 FI-00250 Helsinki FINLAND	

Full name of sixth inventor, if any	
Sixth inventor's signature	Date
Residence	
Citizenship	
Mailing Address	

Full name of seventh inventor, if any	
Seventh inventor's signature	Date
Residence	
Citizenship	
Mailing Address	

Full name of eighth inventor, if any	
Eighth inventor's signature	Date
Residence	
Citizenship	
Mailing Address	



MERIDEA

April 21st, 2006

RE. Proof of Unavailability of Inventor for patent application in US
(International Application No. PCT/FI03/00807)

To Whom It May Concern:

I took over some of Meridea's Intellectual Property management issues since August 2005 after the resignation of Mrs. Tuija Saarimaa in charge of this activity at that time. Prior to Mrs. Saarimaa's resignation, she had already tried a number of times to request Mrs. Sirpa Liukkonen's signature, the nonsigning inventor, but without any success.

After taking over the patent issues last August, I tried to contact Mrs. Liukkonen a number of times by phone, post, emails and through her ex-coworker for requesting her signature, but without any response whatsoever. Mrs. Liukkonen's unwillingness to sign could have been caused after her being laid-off during Meridea's restructuring program in June 2004. Since then, Mrs. Liukkonen has not responded to any requests from Meridea in connection to her previous duties.

Given the background of such a relationship and our diligent effort to reach her with no success, we conclude the impossibility to reach Mrs. Liukkonen and to get her signature.

Yours truly,

Kelly Luostarinen
Corporate Development
Meridea Financial Software Ltd.
Valimotie 21, P.O. Box 63
00380 Helsinki, Finland
Email: kelly.luostarinen@meridea.com
Tel. +358 10 303 1314

Encls.

22.09.2005

Ref. Request for Applicant Inventor's signature for International Patent Application

Dear Sirpa,

As you might have heard from Tuija, Meridea is filing the international patent application with the invention entitled: IMPLEMENTING A SERVICE, PARTICULARLY A FINANCIAL SERVICE, IN A NETWORK INVOLVING MOBILE TERMINALS.

According to the PCT rules, certain designated countries such as USA and India whose national law requires that application to be signed by the applicant inventor(s), even though the original inventor(s) may no longer work for the applicant company. For this reason, we hereby request your signature of above mentioned subject matter for which the international patent is sought. Please kindly sign on the pages with the marker, and send it back to me with the enclosed envelop as soon as you can.

Thank you very much in advance. Please let me know if you have any question.

Yours truly,

Kelly Luostarinen

e-mail: kelly.luostarinen@meridea.com

GSM: +358 50 3866412

Encl. Copies of applications for US and India

COPY

Kelly Luostarinen

From: Kelly Luostarinen
Sent: 27. lokakuuta 2005 9:17
To: sirpa.liukkonen@kolumbus.fi
Subject: Signature for Meridea US patent application

Dear Sirpa,

About a month ago, I sent you by post Meridea US patent applications which require your signature in some of the documents. I wonder if you have had time to take a look on it. I appreciate if you can return them to me as soon as you can, and please let me know if you have any question on this matter.

Looking forward to hearing from you soon.

Best regards,
Kelly

Kelly Luostarinen
Business Development Manager
Meridea Financial Software
P.O. Box 63 FI-00381 Helsinki Finland
GSM: +358 50 3866412
Fax +358 10 303 1902
Email: kelly.luostarinen@meridea.com

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24.4.2006

Kelly Luostarinen

From: Kelly Luostarinen
Sent: 18. huhtikuuta 2006 13:37
To: sirpa.liukkonen@kolumbus.fi
Subject: Meridea Patents

Dear Sirpa,

I hope this email finds you well.

I have sent you a set of copies for the US patent application to get your signature last September, but still haven't heard anything from you. I wonder if you have any problem signing it. If so, will you be so kind to give me a call so we can discuss in more details?

Thank you and best regards,

Kelly Luostarinen
Mobile + 358 50 3866412

COPY

24.4.2006